

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2004161501

PROJECT MANAGER: Dale J. Pfeiffle

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ **Date:** Dec. 30, 2004

At the project site? Y ☐ N ☐ **Date:**

PROJECT LOCATION INFORMATION:

State: **Wisconsin**

County: **Racine**

Center coordinates of site by latitude & longitude: **42.7475470954N, 87.9808337233W**

Approximate size of site/property (including uplands) in acres: **120**

Name of waterway or watershed: **Pike/Root, Wisconsin**

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

FILE NUMBER: MVP- 161501

ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): **A wetland delineation was received from a private consultant for jurisdictional review.**

The delineation report identified 3-separate wetlands with a total surface area of approximately 6-acres. A review of the available aerial photography and the USGS topographic map failed to identify a surface water connection between the three delineated wetlands and a water of the US. The USGS quadrangle identified closed depressions in the vicinity of two of the wetlands. The Racine County soil survey identified a drainage pattern (crossable with tillage implements) from one of the wetlands connecting to the Root River Canal. However, the aerial photography indicates that such a surface water connection does not exist. Connections between the wetlands and interstate commerce were also considered. No substantive interstate commerce connection was found.

The information provided indicated that the project site is being considered for recreational development. Detailed development plans were not provided.